



## Give Equine Rescues the Right of First Refusal to Save Homeless Horses Before Auction

Horses and their equine relatives (donkeys, mules, hinnies, ponies) are an important and treasured part of New Mexico's economy and Western heritage. These animals should not be funneled into the slaughter pipeline via government auctions if there are state-registered equine rescues able to take them.

### What would this legislation do?

The outcome of work with state agencies and equine rescue professionals, this legislation aims to ensure that homeless equines in the custody of the state are less vulnerable to kill-buyers from the horse slaughter industry. This bill would give NM's state-registered equine shelters the initial opportunity, **before auction**, to take in homeless horses and other equines to be rehabilitated and adopted into loving homes. In other words, it would give shelters the first right to "refuse" to take in a homeless horse.

A similar bill passed in 2017 with substantial support by the Legislature but was pocket-vetoed.

### The problem with current law

New Mexico's state laws (the Criminal Code, the Livestock Code) establish a "blanket" disposition for all livestock, including domestic equines.

- The law allows the NM Livestock Board (NMLB) some discretion on disposition of estray equines. In Jan. 2019, the NMLB approved a process for ensuring equine shelters have the right of first refusal to accept these equines, before they would go to the highest auction bidder.
- ***But for equines who are found running at large or seized from cruelty, the only options under state law are auction sale or destruction. This too often results in putting these vulnerable equines right back into a dangerous situation.***

**Horses sold at auction are at risk of being purchased by so-called "killer-buyers" who then sell them for slaughter across the border. Equine rescue facilities are then forced to incur additional costs to monitor and compete at auction to save equines and will later spend significant funds to rehabilitate and care for them until they can be adopted.**

### The solution

Create equine-specific sections of the state laws that dictate the disposition of homeless horses and other equines in the custody of the New Mexico Livestock Board and other agencies—to ensure that state-registered equine rescues have the right of first refusal to take those animals after a 5-day holding period and before auction, in exchange for a fee covering the cost of care during impoundment.

## The New Mexico Livestock Board and equine cruelty cases

The NM Livestock Board (NMLB) was created in state government to focus on disease prevention and theft in the livestock industry—but reports and cases of livestock cruelty have dramatically increased in recent years. In 2021, 18% of all incidents handled by the NMLB involved animal cruelty. Approximately 90% of the cruelty cases the NMLB handles involved equines. Due to changes in market demands, the NMLB has stated it is difficult to recover the costs incurred from equine cruelty cases through auction.

## New Mexico's registered equine shelters

There are currently ten state-registered nonprofit shelters for equines in New Mexico. These shelters are responsible for taking in, housing, feeding, providing veterinary care, training, and adopting out homeless equines. Most of these equines are either “estrays” (abandoned or found running at-large) who are captured and transferred from the New Mexico Livestock Board or surrendered by people who can no longer provide care. Others are seized as part of animal cruelty and other law enforcement cases.

Some equines remain in shelters for years before finding a new home, and for a few with special needs, lifelong sanctuary is the best option, adding to the cost of humane care. Horse shelters often face unique and significant problems, such as the rising cost of feed. It makes no sense to add to the shelters’ burden by making them compete against bidders including kill-buyers to provide a second chance for equines.

In 2021, equine shelters took in 57 equines from the NMLB and 11 equines from law enforcement.

**Since the NMLB adopted the policy of offering stray equines to the equine shelters in 2019, the shelters have accepted every animal offered.**

However, the shelters have still had to bid in order to take in other equines from cruelty cases.

### Gita's Story

Found wandering, Gita was taken in by the New Mexico Livestock Board. She was listed as 'estrays' and held for five days (waiting for an owner, if she had one, to claim her). Dharmahorse Equine Sanctuary in Las Cruces, NM, offered to take and received possession of Gita. Her condition was very poor: starved, neglected, and abandoned. Now, she is cared for and loved at Dharmahorse.



*Gita on arrival at the sanctuary*



*Gita now: healthy and happy at the sanctuary*